



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Project 3409-000]

Boyne USA, Inc.; Notice of Authorization for Continued Project Operation

On January 31, 2020, Boyne USA, Inc, licensee for the Boyne River Hydroelectric Project No.3409, filed an Application for a Subsequent Minor License for Boyne River Hydroelectric Project pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Boyne River Hydroelectric Project is located on the Boyne River in Boyne Valley Township, Charlevoix County, Michigan.

The license for Project No.3409 was issued for a period ending January 31, 2022. Section 15(a)(1) of the FPA, 16 USC 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 USC 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No.3409 is issued to Boyne USA, Inc, for a period effective February 1, 2022 through January 30, 2023 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 30, 2023, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Boyne USA, Inc, is authorized to continue operation of the Boyne River Hydroelectric Project, until such time as the Commission acts on its application for a subsequent minor license.

Dated: February 3, 2022

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-02703 Filed: 2/8/2022 8:45 am; Publication Date: 2/9/2022]